

Overview of Introduced Legislation

2023/2024 Legislative Session

AB13/SB15: Allowing adopted children who have attained the age of 18 the right to obtain a copy of their impounded birth certificate.

Legislative Reference Bureau Analysis

This bill expands access to original impounded birth records, allowing an adoptee whose original birth record has been impounded to receive an uncertified copy of that impounded record upon request once the adoptee is 18 years of age.

Under current law, the Department of Children and Families administers an adoption search program under which a person 18 years of age or over whose birth parent's rights have been terminated in this state may request DCF to provide the person with any information that is available to DCF regarding the identity and location of the person's birth parents. DCF may provide the identity and location of a birth parent only if DCF has on file an unrevoked affidavit from each known birth parent authorizing DCF to disclose that information.

AB107/SB80: A disclaimer of parental rights and payments allowed in connection with an adoption.

Legislative Reference Bureau Analysis

This bill provides a method by which a mother, father, or alleged or presumed father may disclaim his or her parental rights with respect to a child under the age of one who is not an Indian child in writing as an alternative to appearing in court to consent to the termination of his or her parental rights. The bill also allows payments to be made to a licensed out-of-state private child placing agency for services provided in connection with an adoption.

Subject to certain exceptions, current law generally requires a birth parent to appear in court to consent to the termination of his or her parental rights. This bill adds an exception that allows a mother, father, or alleged or presumed father to avoid appearing in court if he or she files with the court an affidavit disclaiming his or her parental rights with respect to a child under the age of one who he or she knows is not, or has no reason to know is, an Indian child.

This bill allows payments to be made to an out-of-state private child placing agency that is licensed in the state in which it operates for services provided in connection with an adoption and, where applicable, in compliance with the federal Indian Child Welfare Act, as certified to DCF.

AB83/SB81: Providing Foster Parents with a Copy of a Permanency Plan

Legislative Reference Bureau Analysis

Under current law, when a child is the subject of a child or juvenile in need of protection or services (CHIPS or JIPS) proceeding, the county social or human services department, a child welfare agency, or the Department of Children and Families in Milwaukee County is required to prepare a permanency plan for the child. The permanency plan is reviewed every six months either by a review panel or at a court hearing. Before the review or hearing, the agency is required to provide a copy of the plan, and any written comments that the agency receives about the plan, to the following people: the members of the review panel; the child's parent, guardian, or legal custodian; the person representing the interests of the public; the child's counsel, guardian ad litem, or court-appointed special advocate; and, if the child is an Indian child who is placed outside the home of his or her parent or Indian custodian, the child's Indian custodian and tribe.

This bill allows an agency to provide a copy of a child's permanency plan and comments on the plan to a child's out-of-home care provider in the context of a permanency review and a permanency hearing. An out-of-home care provider includes a foster parent, guardian, relative other than a parent, or nonrelative in whose home a child or juvenile is placed, or the operator of a group home, residential care center for children and youth, or shelter care facility in which a child or juvenile is placed.

AB48/SB55: Prosecuting or adjudicating delinquent a person under the age of 18 for committing an act of prostitution

Legislative Reference Bureau Analysis

Under current law, a person who is under the age of 18 may be prosecuted or adjudicated delinquent for committing an act of prostitution, a Class A misdemeanor. Under this bill, a person who is under the age of 18 may not be prosecuted or adjudicated delinquent for committing an act of prostitution.

This bill also eliminates the option under current law in cases where a person under the age of 18 has committed an act of prostitution for a court to enter a consent decree under the Juvenile Justice Code, or a deferred prosecution agreement under the Juvenile Justice Code or adult criminal statutes, if the court determines that a consent decree or deferred prosecution agreement will serve the best interests of the person being prosecuted and will not harm society.

